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September 27, 2024

BY ECF

Hon. Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Arthur Bogoraz*, 22 Cr. 19 (PGG)

Dear Judge Gardephe:

My firm represents defendant Arthur Bogoraz in the above-captioned case. I respectfully write to request that the Court permit a two-week extension of the briefing schedule that was set following the evidentiary hearing that took place in this case on September 16, 2024. The Government consents to this request.

On July 9, 2024, the defense filed a motion with the Court for leave to withdraw Mr. Bogoraz's prior plea of guilty in this case. On July 19, 2024, the Government filed a letter responding to the defense motion, in which the Government asked the Court to conduct a factual hearing in order to develop a more complete record on which to decide the motion. On September 16, 2024, the Court held an evidentiary hearing on the motion, during which testimony and documents were admitted into evidence. At the hearing, after the conclusion of the testimony, the Court set a briefing schedule pursuant to which the defense's post-hearing brief would be due on October 7, 2024.

In the days following the hearing, I have asked the Government again to consider affirmatively consenting to Mr. Bogoraz's motion in light of the facts and circumstances leading up to his prior plea, including facts that were elicited by both parties' examination of the two witnesses at the hearing. On September 26, 2024, the Government informed me that it is still considering its position on the motion, and that its decision-making process will extend beyond October 7. The Government stated that if the defense asked for a one or two week adjournment of the briefing schedule, the Government would have sufficient time to consider its position and provide it to the defense in advance of briefing.



In light of the ongoing good-faith dialogue with the Government, and the impact that the Government's consent may have on the breadth and substance of the defendant's post-hearing brief in further support of the motion to withdraw, the defense respectfully asks that the deadline for its post-hearing brief be extended to October 21, 2024.

I thank the Court for considering this request.

Respectfully submitted,

/s/ Max Nicholas

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